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May 5, 2006

Ms. Sue Ellen Wooldridge,  
Assistant Attorney General  
Environment and Natural Resources Division  
P.O. Box 7611, U.S. Department of Justice  
Washington, DC 20044-7611

Re: United States v. James H. Pflueger, et al., D.J. Ref. No. 90-5-1-1-07871

Dear Ms. Wooldridge,

Earlier this week I spoke to Ms. Kermish and Mr. Johnstone of your San Francisco office about the Pflueger Consent Decree. I understand that I should also be corresponding with your office. Here is a reprint of the email that I subsequently sent to them explaining the situation. Please reply by email to [christiane@kaulana.net](mailto:christiane@kaulana.net) if possible.

Sincerely,

  
Christiane Lucas

May 3, 2006

Dear Ms. Kermish and Mr. Glazer

As Ms. Kermish knows, I am a beneficiary of the Mary N. Lucas Trust. Through no fault of yours, I first saw the Pflueger Consent Decree on April 21, the last day of comment. I went through the sections which seemed of interest, though I have yet to read the entire document. When I saw the work plan for Kaloko I had questions. Principally:

- 1) Was the Lucas Trust consulted at all on the work ordered at Kaloko?
- 2) How was the scope of work determined?

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I spoke with Ms. Kermish and her associate Mr. Jeremy Johnstone in a conference call along with Lucas Trustee Carroll Taylor yesterday morning. While Lucas granted access to Pflueger to do the work my understanding is there was no dialog about the work with Lucas at all.

April 13 I made a visit to Kaloko, my first in approximately 6 years. I was stunned at the extensively altered terrain, among many things. Mr. Taylor has been in trial since 4/24 and in preparation thereof for most of the last couple of months. Thus I am in the somewhat awkward position of having to write you personally, since Mr. Taylor has been unable to make the trip to Kauai himself.

I know that the official time for public comment is over, but there are issues, I believe, of public health and safety left unaddressed. I am not sure what the proper channels are to register my concern, and am asking for your assistance to do that. I spoke with Andy Hood yesterday--the engineer who crafted the Pila'a stream remediation/reconstruction plan. He will be presenting a proposal to Mr. Taylor shortly to inspect the Lucas property for problems like soil stability and water safety. Assuming that Mr. Taylor approves the study, it would seem in the best interest of the public to share any possible findings of concern with your agency.

It would also seem in the best interest of the public to address possible issues in the context of the existing Consent Decree, which you have worked very long and very hard for.

I look forward to your guidance in bringing this letter to the attention of anyone besides yourselves who can assist in resolving this matter.

Sincerely,

Christiane Lucas